

HAWAII STATE

HOUSE OF REPRESENTATIVES

REGULAR SESSION OF 2012

ROUGH DRAFT
JOURNAL

TWENTY-FOURTH DAY

MARCH 1, 2012

OFFICE OF THE CHIEF CLERK

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TWENTY-FOURTH DAY

Thursday, March 01, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 12:04 o'clock p.m., with Speaker Say presiding.

The invocation was delivered by Marine Sergeant Matt Koetting, former legislative intern for Representative Chris Lee, after which the Roll was called showing all Members present.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth and Fifteenth Days were approved.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 218 through 221) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 218, dated February 14, 2012, transmitting the Report Examining the Federal 2008 Farm Bill Amendment to the Richard B. Russell National School Lunch Act, prepared by the Department of Agriculture pursuant to H.C.R. No. 167 (2011).

Gov. Msg. No. 219, dated February 21, 2012, transmitting the Hawaii Exchange for Local Investment Report, prepared by the Department of Commerce and Consumer Affairs pursuant to S.C.R. No. 134, S.D. 1 (2011).

Gov. Msg. No. 220, dated February 21, 2012, transmitting the 2010 and 2011 Annual Report of the Department of Hawaiian Home Lands pursuant to Section 222, Hawaiian Homes Commission Act, 1920, as amended.

Gov. Msg. No. 221, dated February 24, 2012, transmitting a report relating to locating land suitable to construct a motorsports center on the island of Oahu, prepared by the Hawaii Community Development Authority pursuant to H.C.R. No. 100, H.D. 2 (2011).

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 71, 72 and 75) were received by the Clerk and were placed on file:

Dept. Com. No. 71, dated February 10, 2012, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Quarterly Report on Expenditure of Funds from the Tobacco Settlement Agreement for University Revenue Undertakings FY2012, as required by Act 164, Section 23, SLH 2011

Dept. Com. No. 72, dated February 15, 2012, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the Report on the Implementation of State Auditor's 2008 Recommendations, pursuant to Section 23-9, HRS.

Dept. Com. No. 75, dated February 21, 2012, from Bernice K.N. Mau, City Clerk, City and County of Honolulu, transmitting Resolution 12-45, urging the State Legislature to require prescriptions to acquire the drug pseudoephedrine, which was adopted by the Council of the City and County of Honolulu on Wednesday, February 15, 2012.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Marumoto introduced friends visiting from Pittsburg, Mrs. Nancy and Mr. Joseph Gorsha.

Representative Awana introduced Mr. Tezcan Inanlar, Chief Executive Officer of the Pacifica Institute.

Representative C. Lee recognized firefighters with the Honolulu Fire Department who are assisting with the CPR training in the Capitol Auditorium.

Representative C. Lee introduced Marine Sergeant Matt Koetting who gave today's invocation, and his wife, Mrs. Khali Koetting.

Representative Chong introduced Ms. Corina Eckl of the National Conference of State Legislatures in Denver.

Representative Rhoads introduced a friend and constituent, Mr. Harry Mattson with the AARP.

Representative Carroll introduced Mr. Herman Andaya, Chief of Staff, Office of Mayor Arakawa.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 51) was announced by the Clerk and the following action taken:

H.R. No. 51, entitled: "HOUSE RESOLUTION RECOGNIZING A DRAFT MEMORANDUM OF UNDERSTANDING AND COOPERATION BETWEEN THE STATE OF HAWAII AND THE LEAGUE OF CITIES OF THE PHILIPPINES," was jointly offered by Representatives Mizuno, Aquino, Awana, Brower, Cabanilla, Chong, Choy, Cullen, Hanohano, Har, Ito, Kawakami, Manahan, McKelvey, Morikawa, Nishimoto, Say, Souki and Tokioka.

Representative Mizuno moved that H.R. No. 51, be adopted, seconded by Representative Manahan.

Representative Mizuno introduced and welcomed honored guests seated on the Floor of the House:

Mayor Peter B. Carlisle, City and County of Honolulu;
Mayor Alan M. Arakawa, County of Maui;
Mayor Bernard P. Carvalho Jr., County of Kauai, and
Mayor Billy Kenoi, County of Hawaii.

Representative Mizuno also introduced Governor Neil Abercrombie, who was seated at the Rostrum.

Representative Mizuno then thanked the many staff members of the House of Representatives and League of Cities of the Philippines; as well as Mayor Hernani Braganza of Alaminos City, Philippines, and his staff for their efforts toward this Memorandum of Understanding and Cooperation.

Representative Manahan then noted the significance of this Memorandum in recognizing the political, social and economic ties between the State of Hawaii and the 122 cities of the League of Cities of the Philippines which will be formalized at a historic signing ceremony later this day at Washington Place.

Representatives Brower and Cabanilla introduced the Mayors representing the League of Cities of the Philippines who were seated on the Floor of the House:

Mayor Hernani A. Braganza, Alaminos City;
Mayor Paulino Salvador C. Leachon, Calapan City;
Mayor Benjamin Lim, Dagupan City;
Mayor Melecio Yap, Escalante City;

Mayor Michael Farinas, Laoag City;
 Mayor Linda P. Gonzalez, Ligao City;
 Mayor Eric M. Saratan, MD, Talisay City Negros Occ.;
 Mayor Amelita Navarro, Santiago City;
 Mayor Melandres G. De Sagun, Trece Martires; and
 Mayor Amadeo Gregorio Perez, IV, Urdaneta City.

Representative Cabanilla also introduced Mayor Oscar Rodriguez of San Fernando City, Pampanga, President of the League of Cities of the Philippines, who was seated at the Rostrum.

Representative Awana introduced the many support staff involved with this Memorandum, as well as LCP Delegates and family members traveling from the Philippines:

Mr. Paul Cortes, Deputy Consul General, Philippine Consulate General of Hawaii;
 Mr. Herman Andaya, Chief of Staff, Office of Mayor Arakawa;
 Mr. Rod Antone, Communications Director, Office of Mayor Arakawa;
 Ms. Ann Chung, Director of Economic Development, Office of Mayor Carlisle;
 Ms. Jane Clement, COVO President, Congress of Visayan Organization;
 Ms. Mariata Estrata, President, Filipino Community Council;
 Mrs. Lim, wife of Mayor Lim;
 Ms. Rhoda Espino, Secretariat, League of Cities of the Philippines;
 Ms. De Sagun, LCP Delegate;
 Mr. Lemont Agricola, Consultant, Office of Mayor Braganza;
 Mr. Jeremy Nishimori, Executive Director, League of Cities of the Philippines;
 Mr. Ricky Farinas, LCP Delegate; and
 Mr. Roland Cabigas, Secretariat, League of Cities of the Philippines.

Representative Rhoads introduced members of the Filipino community in Hawaii:

Mr. Jake Manegdeg;
 Ms. Edna Alikpala;
 Ms. Jean Jeremiah; and
 Mr. Jun Colmenares.

Representative Pine, on behalf of the Minority Caucus, thanked the League of Cities of the Philippines for their continued relationship and partnership with the people of Hawaii.

Representative Herkes, as one born in the Philippines, expressed his honor in supporting this measure.

The motion was put to vote by the Chair and carried, and H.R. No. 51, was adopted, with Representative Saiki being excused.

At this time, the Chair invited the Governor to address the Chamber.

Governor Abercrombie's remarks are as follows:

"Thank you. Thank you very much, Mr. Speaker. I appreciate the brevity of that introduction. And I also appreciate, and I want all of you to know, that as I stand here before you, that you really can't teach old dogs new tricks. Apparently old dogs do their old tricks. I found myself, and thank you very much for not turning around and saying, 'What do you think you're doing?' When he said, 'All those in favor say 'aye.'" And I said, 'aye.' Maybe it was a new trick. There was a lot of time when I said 'no' down here.

"But it does remind me what a pleasure and what an honor it is to be back in the House of Representatives, the People's House, and to be able to participate. This is indeed, for our friends from the Philippines and for the Mayors of all of the islands, an opportunity to share a few moments with one another as legislators. And I particularly have the privilege this evening in being able to welcome all of you to Washington Place.

"It's very appropriate that we meet at Washington Place, because the kings and queens of the Kingdom of Hawaii were well known throughout

the world for their international outlook. The royalty of Hawaii traveled the world over, engaged in conversations and interaction and indeed treaties with people the world over, most particularly in Asia and the Pacific. And so that legacy is made manifest in this Memorandum of Understanding today. Many here participated recently in the APEC activities here in Honolulu, in which we tried to establish in the minds of not only our friends and neighbors, our brothers and sisters in the Asia-Pacific area, our relationship with one another, but in fact announced it to the world.

"The President of the United States himself has indicated that this century will be the Century of the Pacific, and we like to posit ourselves here, for all of our friends, Mayors in the Philippines, posit ourselves as the anchor of the Asia-Pacific area. We no longer think of ourselves as a crossroads, or a pass through from East and West. We are in fact the anchor of the Asia-Pacific area, and we reach out to our brothers and sisters throughout the Asia-Pacific area. This is particularly pertinent today, as Hawaii's population reaches almost one in four with at least some portion of their ancestry from the Philippines.

"Hawaii, as has been noted by several of the previous speakers, is a place of diversity, and that diversity in fact defines us rather than divides us. And the Philippines now provides a foundation stone in that diversity that is unique not only in its contribution, but in the breadth and depth of what it will mean for us in the future. As has been noted, Filipinos have lived in Hawaii since 1906, and I don't know if Representative Pine's ancestors were among the 15 original laborers recruited to the Islands, but I can tell you right now, for those who don't know, that over 3,500 new Filipinos immigrate each year here over the past decade. And that I think is a symbol, in no uncertain terms of what our diversity is all about.

"This Memorandum of Understanding will set up a working group. For those in the audience who may not be familiar with what this means today. It will be a working group representing both Hawaii and the Philippines as has been indicated. We will meet from time to time. We'll review the objectives of the Memorandum of Understanding which are: yes, exchange of business by citizens of both places. More regular visits by officials to both places. But in terms of business and terms of culture, in terms of energy uses, urban land use, environmental questions. We intend to exchange not only views, but best practices that will benefit both sides on the Memorandum of Understanding.

"This is, in one respect, something that I do have a particular personal interest in, and I want to cite it. For some years, we struggled in the Congress of the United States to recognize the contribution of World War II Filipino Veterans. We managed to achieve that recognition and to put something behind it that indicated to those that had made those sacrifices in the Philippines that we not only remembered it, but that we recognized it in the most tangible way.

"So this League of Cities of the Philippines representation here today is very, very, important to us. We are very, very, grateful and extend our mahalo, our thank you, and a mabuhay and aloha to all the Mayors that are here today representing your brothers and sisters throughout the Philippines. Because the League of Cities is most appropriate in promoting exactly the things that this Memorandum envisions: trade, culture, tourism to be sure, and related activities between Filipino cities, the State of Hawaii and of course all the people of Hawaii.

"I look forward to meeting with you tonight at Washington Place. I look forward to the signature on the Memorandum of Understanding tonight, as representational of what the future of the relationship between Hawaii and the Philippines will be: one of progress, and one of friendship. Aloha. Mahalo. Mabuhay."

At this time, the Chair invited Mayor Oscar Rodriguez, President of the League of Cities of the Philippines, to address the Chamber.

Mayor Rodriguez's remarks are as follows:

"To the Honorable Governor of the State of Hawaii, Governor Neil Abercrombie; the Honorable Lieutenant Governor; Brian Schatz. To the

Honorable Speaker of the House, Calvin K.Y. Say. To the Honorable Members of the Filipino Caucus. To all of the Honorable Members of the House of Representatives of the Hawaii State Legislature, and to the Honorable City and County Mayors here: Mayor Peter Carlisle, Mayor Alan Arakawa, Mayor William Kenoi and Mayor Bernard Carvalho Jr., my warmest greetings and a pleasant day. I was once a member of the House of Representatives of the Congress of the Philippines for 14 years, and I therefore feel privileged to be in the middle of legislators like you.

"Not only that, I still remember the definition of the great President, our great President of the world, the late Franklin Delano Roosevelt when he defined what a true leader is, and I quote, 'A true leader is one who tries to bridge the chasm between humanity and better life.'

"After reading the history of Hawaii, after I've seen Hawaii in the few days of my stay here, and hearing from the stories of leaders here, I came to believe that I am in the midst of true leaders defined by the Franklin Delano Roosevelt. I am, therefore, deeply honored by this opportunity to speak before this august Body. Representing the 122 members of the League of Cities of the Philippines, truly, this is a historic event, a first for our organization, at least of this magnitude.

"I remember that only a few months ago, yours truly along with our Secretary General, Mayor Nani Braganza, and our Deputy Secretary General for the National Capital Region, Mayor Del De Guzman, met with your colleagues, Representative John Mizuno, and Representative Tom Brower, to explore the possibility of a Memorandum of Understanding and Cooperation between our two institutions.

"I still remember distinctly thinking that although we are still far from finalizing any agreement, we were all so seriously discussing possibilities of knowledge exchanges and joint workshops. These exchanges have in fact, already become a reality. Just yesterday, we were fully immersed in discussions with the senior personnel of your State government regarding your disaster preparedness initiatives which is a very, very, important component of governance today because of the present situation of the world, and climate change.

"This morning we were engaged in discussions that focused on your tourism practices. And we learned a lot because we know that Hawaii State depends on its tourism industry. On behalf of the members of the League of Cities of the Philippines, therefore, please allow me to express our most sincere, thank you.

"The idea of a more formal agreement for the future excites us. However, not simply because this may mean more opportunities for us to learn from you, equally so through our Memorandum of Understanding, we will seek and pursue all opportunities through which we can share our experiences which we hope will also be of benefit to you. The logic of pursuing such an agreement seems simple enough. The globalization, the IT revolution, practically make everyone of us one big family, and therefore, we have to reach out with each other particularly with our friends and former countrymen here who have the Filipino blood in their veins. Why then should we reinvent the wheel or innovate, when there can be mechanisms that could allow us access to the best practices of our counterparts. Surely if we did so we would only have to fine tune the broad strokes of such best practices so that they would suit the particularities of our own context.

"With the complex demands on governments that we encounter, particularly in the delivery of basic services and economic development, efficiency is key. This Memorandum of Understanding and Cooperation can also underscore and highlight our distinct competitive advantages, which would lead to more rational synergies that would not only preserve our strengths, but also enhance opportunities for exchange.

"Last, but definitely not the least, this Memorandum of Understanding and Cooperation reflects our sincere commitment to serve effectively and responsibly the communities that we share, I am sure that it is known to all of us that we do not only share the Pacific Ocean, we also share a people.

"I understand there are many citizens here who are, in their deep recesses, carrying Filipino blood. I am equally sure that while we seek to

walk joining hands. Our governments in general, our efforts to this partnership also seeks to serve in particular the people who trace their roots both in yours and in ours.

"Our initiatives have not gone by without notice. His Excellency, Benigno S. Aquino III, President of the Republic of the Philippines has sent a message, a copy of which we will give officially to the Office of the Speaker, and I am both honored and privileged to deliver this now to you, and I quote:

On behalf of the people of the Philippines, it is with great pleasure that I send my warmest greetings to Governor Neil Abercrombie, Lieutenant Governor Brian Shatz, Senate President Shan Tsutsui, Speaker Calvin Say of the Hawaii State Legislature, the honorable members of the Hawaii State Legislature, the Hawaii state and local government officials.

I am very pleased by this auspicious occasion, the Memorandum of Understanding and Cooperation between the State of Hawaii and the League of Cities of the Philippines. We are bound by ties of history and ancestry, Filipino-Hawaiians who consider both the Philippines and the islands of Hawaii as their home, are living exponents of this bond.

We are also united by shared ideals: of democracy and good governance. In the Philippines, we are seeking to mobilize our institutions to strengthen our democracy and restore the culture of transparency and accountability. We are mobilizing public officials who are solely focused on the public interest, who will defend the rule of law and not invoke it only where it serves the privileged few. Like you, our government remains steadfast on the path of progress and reform.

Through this partnership, ties of friendship will be pursued in a more comprehensive, strategic, and efficient manner in the areas of education, public health, disaster and climate resilience, juvenile justice, and social development. I am confident that Philippine cities have the capacity to widen this cooperation and have much to share with our partners in Hawaii. May this signing lead to broader relations between the Republic of the Philippines and the United States of America.

Mahalo Nui Loa. Maraming Salamat Po.

"Signed, Benigno S. Aquino, III. End of the President's message.

"Indeed, as we continue to engage in a partnership that we not only exchange knowledge, but also friendship. We will jointly find ways to ensure that we can be more successful in the fundamental challenge that we face – public service. Let us continue then, upwards in this path. Confident of the service we provide to each other, so that we can serve the people better.

"Our most sincere gratitude, therefore, to Governor Abercrombie, for giving your blessing to the Memorandum of Understanding and Cooperation. I believe I speak for our members of the LCP when I say that we look forward to future realizations of our partnership.

"Our heartfelt thanks to the House of Representatives of the State Legislature of Hawaii; particularly of course to our close friends now, Congressman Mizuno and Congressman Brower, among others. To the Filipino Caucus, particularly the others, Representative Rida Cabanilla, and Representative Joey Manahan. You did not only push for this partnership, you nurtured it. We can only hope to reflect your efforts as both Hawaii and Philippine citizens pursue this Memorandum.

"To Mayors Carlisle, Kenoi, Arakawa, and Carvalho Jr., your presence and support inspire us. We are hopeful and confident that once you look into the best practices of Philippine cities, as the partnership would showcase, you may also be similarly inspired.

"To the LCP delegation present here, and likewise to all its members, it is true that your support of our conversions have emboldened us to take steps like this. Thank you.

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"Last, but definitely not least, to the Filipino community here in the State of Hawaii, our most heartfelt thank you. Because you are here, we can never be far from home, while in Hawaii. Mahalo nui loa. Thank you, very much. *Maraming salamat po*. And from the far away land of the Philippines and the almost 100 million inhabitants therein, allow me to say, *mabuhay*. Thank you, very much."



MALACAÑAN PALACE
MANILA

MESSAGE

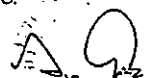
On behalf of the people of the Philippines, it is with great pleasure that I send my warmest greetings to Governor Neil Abercrombie, Lieutenant Governor Brian Shatz, Senate President Shan Tsutsui, Speaker Calvin Say of the Hawaii State Legislature, the honorable members of the Hawaii State Legislature, the Hawaii state and local government officials.

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MAHALO NUI LOA. MARAMING SALAMAT PO.


BENIGNO S. AQUINO III

MANILA
28 February 2012

The Chair then stated:

"Thank you Mayor Rodriguez for your excellent speech. At this time, the Chair will call a recess to allow Member to meet and congratulate the honorees."

At 12:56 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:04 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 661-12) recommending that H.B. No. 2497, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2497, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Herkes and Saiki being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 662-12) recommending that H.B. No. 2458, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2458, entitled: "A BILL FOR AN ACT RELATING TO CONVERSIONS BY NONPROFIT CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Herkes and Saiki being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 663-12) recommending that H.B. No. 2769, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2769, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Herkes and Saiki being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 664-12) recommending that H.B. No. 1772, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1772, entitled: "A BILL FOR AN ACT RELATING TO VIOLATION OF PRIVACY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Herkes and Saiki being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representatives Herkes and Saiki were excused.)

REPORTS OF STANDING COMMITTEES

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 665-12) recommending that H.B. No. 1965, pass Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1965, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION FOR PHARMACISTS," passed Third Reading by a vote of 50 ayes, with Representative Herkes being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 666-12) recommending that H.B. No. 1746, HD 1, pass Third Reading.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 1746, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ching rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I just would like to ask for a ruling on a possible conflict of interest. I serve on a board of directors of a condominium. I also own a condominium and live in a condominium. Thank you, Mr. Speaker," and the Chair ruled, "no conflict."

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Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1746, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading by a vote of 50 ayes, with Representative Herkes being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 667-12) recommending that H.B. No. 994, HD 1, pass Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 994, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Herkes being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 668-12) recommending that H.B. No. 2799, HD 1, pass Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2799, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," passed Third Reading by a vote of 50 ayes, with Representative Herkes being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 669-12) recommending that H.B. No. 1969, HD 1, pass Third Reading.

Representative Chong moved that the report of the Committees be adopted, and that H.B. No. 1969, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. First may I have a ruling on a potential conflict? My son is the President-elect of BIA, Building Industry Association," and the Chair ruled, "no conflict."

Representative Thielen continued in support of the measure with reservations, stating:

"Mr. Speaker, I wanted to read from the General Contractors Association testimony in opposition to the bill. And I'm with serious reservations on the measure. Thank you.

"The purpose of the bill is to shorten the time by which subcontractors and material men are to receive progress and final payments from contractors on government and private construction projects. That's a very meritorious purpose.

"I think that makes sense, but let me explain why the GCA, the General Contractors Association, is opposed. They say the bill is not necessary, because similar issues were addressed in 2006 when a number of us were here in this Body. Those are my words; not the GCA. Then GCA continues that when the legislature passed Act 291, the purpose of Act 291 was to accelerate a subcontractor's or material man's right to payment upon completion of the subcontract, or the furnishings of material, providing for prompt payment to a subcontractor or material man upon completion of those persons' work on government projects. And then Act 291 is codified.

"In 2006 when this was occurring, a difficult industry consensus was reached with the passage of that bill, and it applied appropriate provisions that balanced the need for prompt payment to lower-tier contractors and subcontractors. And then here comes the key language, Mr. Speaker. While safeguarding the control needed for the upper-tier contractors and subcontractors to ensure that work is timely done and properly by its lower-tier subcontractors.

"So we are removing that balance, Mr. Speaker, by passing this bill mandating that all levels get this payment right at the front. And we aren't allowing a control needed for the contractor to ensure that the work is being done by the subs.

"So I think that this bill is actually not necessary, because the 2006 law is working. I would like to ask Members to reconsider their analysis of this bill after the Senate deals with it. And if it does come back, it may not. Thank you."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Yamane rose to speak in support of the measure, stating:

"Mr. Speaker, I'm standing in support. Mr. Speaker, in Act 291, Session Laws of Hawaii 2006, this Legislature tried to address the problem regarding delayed payments. However, Mr. Speaker, subcontractors and material men are still experiencing delays. Mr. Speaker, there are about 6,154 licensed subcontractors in Hawaii, and the bill was intended to make sure that these small mom and pop, small private businesses, get paid in a timely fashion.

"Mr. Speaker, in 2011 there was \$1.8 billion in private construction contracts in the State of Hawaii, which is about 76%. This includes projects with private small companies like the Waikoloa Hilton Hawaiian Village King Landing which was contracted to start last year. But it was 4 months, Mr. Speaker, before the subcontractors received their first payment. Another project on Maui took 1 year for them to receive payment for services rendered. The Disney Aulani project is finished, but subcontractors on that project have not yet received final payment as of today."

"Mr. Speaker, public projects like the John A. Burns School of Medicine, a project that was completed several years ago, many of their subcontractors are still awaiting final payment. Mr. Speaker, the goal of this bill was to prevent something happening like the issue with the Board of Water Supply construction. That construction, Mr. Speaker, was completed in 2002, however, final payment to some of the subcontractors didn't happen until 2009 – 7 years. During a time of recession, Mr. Speaker, we need to encourage and ensure that these people get paid for services rendered quickly so they can keep and stay solvent. Thank you, Mr. Speaker."

Representative McKelvey rose in support of the measure and asked that the remarks of Representative Yamane be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Awana rose in support of the measure and asked that the remarks of Representative Yamane be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1969, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," passed Third Reading by a vote of 50 ayes, with Representative Herkes being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 670-12) recommending that H.B. No. 1928, pass Third Reading.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 1928, pass Third Reading, seconded by Representative Evans.

Representative Har rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with very, very, very strong reservations. Thank you, Mr. Speaker. Mr. Speaker this bill repeals section 291E-68 of the Hawaii Revised Statutes. In the past, it would repeal the criminalization of refusing to submit to chemical testing after an arrest for drunk driving. Criminalization of refusal to submit to the chemical test in drunk driving cases was included in the Ignition Interlock Program, by the Ignition Interlock Task Force, which realized that the sanction for refusing the chemical test must always be greater than the sanctions for taking the test in order to encourage compliance with the request of the test.

"Drivers arrested for drunk driving are able to legally drive with an interlock device, and individuals who refuse the chemical test are also given the privilege of driving interlock equipped vehicles, albeit they are required to keep the device installed for a longer period. The ability of drivers who refuse the chemical test to maintain the driving privilege reduces the deterrent value of the longer license revocation period for this group. Therefore, the Taskforce recommended criminalization of refusal to make the act of refusing the chemical test, subject to stronger penalties.

"Mr. Speaker, at least 15 other states have criminal sanctions for refusal, the basic reasons for criminalization are as follows:

"The National Highway Transportation Safety Administration, issued a recommendation that states should review their laws to ensure that refusal is a criminal offense, and that penalties are greater than those for conviction on a drunk driving offense.

"Number 2. The ability to refuse a chemical test is not a constitutional right, but a statutory right created under the implied consent law.

"Number 3. Probable cause for a DUI arrest must be present before a person is asked to take a chemical test.

"Number 4. Researchers have realized that many drivers refuse to take the test, in order to avoid or reduce the chance of facing criminal sanctions resulting from a conviction from DUI.

"Number 5. Individuals who refuse to take the chemical test are more likely to be repeat offenders, than those who take the test.

"Number 6. The lack of criminal penalties for chemical test refusal means the suspect, if not convicted of a DUI, will not be identified as having an alcohol-related offense and will be treated as a first offender by the court if arrested again. The threat of another license suspension for repeat offenders is an ineffective deterrent.

"Finally, the additional criminal charge for refusal does not overburden the courts and should not complicate DUI prosecutions. The refusal crime can be charged concurrently with DUI. Prosecutors may choose to dismiss the refusal crime upon a plea to DUI. Courts may choose to impose concurrent sentences on DUI and a refusal crime. The possibility of suffering refusal penalty even if found guilty of the DUI charge, already exists with the administrative sanctions.

"Members, and Mr. Speaker, I urge the Committee to look at the testimony of Mothers Against Drunk Driving who are in opposition to this measure, and I will be voting with very strong reservations. Thank you, Mr. Speaker."

Representative Pine rose in support of the measure with reservations and asked that the remarks of Representative Har be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Cullen rose in support of the measure with reservations and asked that the remarks of Representative Har be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Har be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1928, entitled: "A BILL FOR AN ACT RELATING TO TESTING FOR INTOXICANTS," passed Third Reading by a vote of 50 ayes, with Representative Herkes being excused.

At 1:18 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1965
H.B. No. 1746, HD 1
H.B. No. 994, HD 1
H.B. No. 2799, HD 1
H.B. No. 1969, HD 1
H.B. No. 1928

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 671-12) recommending that H.B. No. 2852, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2852, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Rhoads rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2852, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY," passed Second Reading and was placed on the calendar for Third Reading, with Representative Rhoads voting no, and with Representative Herkes being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 672-12) recommending that H.B. No. 1771, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1771, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FELONIES FOR WHICH CRIMINAL CHARGES MAY BE INSTITUTED BY WRITTEN INFORMATION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Herkes being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 673-12) recommending that H.B. No. 1709, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1709, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER," passed Second Reading and was placed on the calendar for Third Reading, with Representative Herkes being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 674-12) recommending that H.B. No. 1776, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 1776, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1776, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNICATION SERVICE PROVIDERS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Herkes being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 675-12) recommending that H.B. No. 2623, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2623, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF PROPERTY," passed Second Reading and was placed on the calendar for Third Reading, with Representative Herkes being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 676-12) recommending that H.B. No. 1788, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1788, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER CRIME," passed Second Reading and was placed on the calendar for Third Reading, with Representative Herkes being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 677-12) recommending that H.B. No. 2295, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2295, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CYBERBULLYING," passed Second Reading and was placed on the calendar for Third Reading, with Representative Herkes being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 678-12) recommending that H.B. No. 2241, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2241, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2241, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANTIQUE GAMBLING DEVICES," passed Second Reading and was placed on the calendar for Third Reading, with Representative Herkes being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 679-12) recommending that H.B. No. 2679, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2679, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," passed Second Reading and was placed on the calendar for Third Reading, with Representative Herkes being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 680-12) recommending that H.B. No. 2296, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2296, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL WELFARE," passed Second Reading and was placed on the calendar for Third Reading, with Representative Herkes being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 681-12) recommending that H.B. No. 1589, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 1589, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Ching rose to speak in support of the measure, stating:

"Mr. Speaker, thank you. Mr. Speaker, I'm rising in strong support and would like to express my thank you to the Chair of Ag and members."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1589, HD 1, entitled: "A BILL FOR AN ACT DESIGNATING FEBRUARY AS HAWAIIAN GROWN CACAO MONTH," passed Second Reading and was placed on the calendar for Third Reading, with Representative Herkes being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 682-12) recommending that H.B. No. 2079, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2079, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Tokioka rose to speak in support of the measure, stating:

"Mr. Speaker, I will submit my written remarks. But this may be going on Consent Calendar next time and I might not have the opportunity. So if I can just thank the Chair of Health. Thank you, Mr. Speaker."

"I rise in strong support, and I'd like to thank the Health Chair, the Vice Chair of Health, and the Committee Members. You know the Health Chair, sometimes you want to choke him. And sometimes you want to hug him. This is one of those times you want to hug him. And Mr. Speaker, may I be allowed to insert written comments in to the Journal."

Representative Tokioka's written remarks are as follows:

"Mahalo, Mr. Speaker, for allowing me to submit written comments in support of House Bill 2079, which establishes and designates the bacterium, *Nesiotobacter exalbesceus* as the official State Microbe. At present the State of Hawaii and its individual islands recognize 31 official emblems in a diverse range; from tree to song, colors to flower and insect to almost anything in between, except for the microbe. According to the Associate Professor of the Department of Microbiology at the University of Hawaii at Manoa, Dr. Stuart P. Donachie who discovered *Nesiotobacter exalbesceus*, microbes are the most abundant organisms in Hawaii and on Earth. They create and sustain our environment."

"However, microbes are given a bad name. If you look up the definition of microbe in the dictionary it says: "a microscopic organism, especially one that transmits disease"(Encarta: English (North America)). The latter half perpetuates the reason why microbes are viewed negatively. From a young age we remember being told to: "wash our hands to prevent the spread of germs" and "germs are bad". We neglect to remember that without many of these germs we wouldn't be able to build resistance and our overall quality of health would decline.

"*Nesiotobacter exalbascens* is one of the good microbes. In pure culture it converts nitrate to nitrogen, and it may be involved in the nitrogen cycle in the environment. This species has been detected only once in Dr. Donachie's 500,000 sequences and 10,000+ cultures over 25 plus years of fieldwork. Everyday new discoveries are made in the field of microbiology. Through our STEM (Science, Technology, Engineering and Math) core program 7,000 students participated in the 54th Annual State Science and Engineering Fair 2011. STEM is helping to get our students enthusiastic about learning in the classroom. Establishing a State microbe will also assist in getting more students excited in the 5 W's (who, what, when, where and why) of everything that is microbe and everything that is science.

For these reasons, Mr. Speaker, I support House Bill 2079."

Representative Yamane rose to speak in support of the measure, stating:

"Mr. Speaker, I'm standing in support. And can I have the words of the Representative of Kauai inserted as my own, except for the part about I want to choke myself. Thank you," and the Chair "so ordered." (By reference only.)

Representative McKelvey rose to speak in support of the measure, stating:

"I'm sorry, Mr. Speaker. This is just infectious, this support. I have to stand, and I'd just like to adopt the words of the previous speakers as if they were my own," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2079, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE MICROBE," passed Second Reading and was placed on the calendar for Third Reading, with Representative Herkes being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 683-12) recommending that H.B. No. 2658, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2658, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Herkes being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 684-12) recommending that H.B. No. 2024, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2024, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was placed on the calendar for Third Reading, with Representative Herkes being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 685-12) recommending that H.B. No. 2238, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2238, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was placed on the calendar for Third Reading, with Representative Herkes being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 686-12) recommending that H.B. No. 2047, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Chong moved that the report of the Committees be adopted, and that H.B. No. 2047, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I was hoping this bill would be recommitted and then reassigned to Committee so it could be amended before we send it to the Senate. I'm voting no, Mr. Speaker.

"I think the idea is good. We want to protect information. But the bill is so broad, that is just, except for the fact it excludes government, so it says all businesses, every business that maintains personal information. Well any business that gets a check from a consumer would be that kind of a business, so it's every business, but not government. And then it says that those businesses shall implement a comprehensive written policy. If it were aimed at government and larger businesses or businesses that really are relevant to having this kind of information, then I could understand it.

"But the real killer language is on, page 2 of the bill. Every business, this is virtually every business in the State, covered by this section shall train all employees, all employees, in the implementation of the policy and procedure. It makes no sense Mr. Speaker, and that's why I was hoping it would be recommitted, redrafted and put to really apply to businesses and government. Definitely government, that are dealing with sensitive information. And only those employees that are really going to handling that information should be trained. Not all employees.

"For once I agree with something Hawaiian Electric said when they came in to oppose the bill. They talked about the height of a pile of all of their employees, sheet by sheet by sheet, that they would have to train under this bill. It makes no sense, because the majority of those who have never even see the sensitive information. Thank you."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations and a brief comment. Mr. Speaker, there's probably 20 to 30 thousand mom and pops in the State of Hawaii, most of which would be very sensitive to keeping their stuff private. But if it comes to where it's going to be a policy in a written and a formal statement, it looks as though it's going to infringe upon and cost time and money of which as we know the small business community is having a difficult time, to where survival is considered success. Many not making money. Many are going under.

"So I would suggest as we do with many programs, we have a means test. In this case, an employee test. If you don't have more than mom and pop, let's let them go aside so in the event that they're exposing one spouse to the other spouse, I think we can trust that we can eliminate those. But this is kind of too broad of a brush stroke, and I think as it goes further down, it can be much improved. Thank you."

Representative Ching rose to speak in opposition to the measure, stating:

ROUGH DRAFT

"Thank you, Mr. Speaker. I'm unfortunately I'm rising in opposition. I think that the subject matter is very, very, honorable, and very, very worthwhile. Information protection. But being in the Committee hearing and one after one after one, each business coming out and saying 'Please don't do this.'

"The bill would apply to all businesses maintaining the records. And every business covered by the bill must train all employees, signing a form, acknowledging receipt of training. It places a huge cost burden on small businesses, but more importantly, makes them vulnerable to fines and penalties for violations that only in hindsight could have been prevented.

"The bill creates an unrealistic, unachievable standard, and they go on and on. So my fear is that in our good intentions to protect them, poor businesses are just going to be so vulnerable and so scared to have to make sure that each and every ... It just sends a message of anti-business to me, and I'm just hoping that there's an alternative way to achieve the same goal. Thank you, Mr. Speaker."

Representative Cabanilla rose to disclose a potential conflict of interest, stating:

"I just want a ruling of a possible conflict, Mr. Speaker. I'm a small business owner," and the Chair ruled, "no conflict."

Representative Cabanilla continued to speak in support of the measure with reservations, stating:

"Thank you. And I would like to make a comment on the bill. With reservations. I do realize that there are a lot of businesses where it is like a revolving door. And my reservations is in the training where everyone has to be trained. If you are a business owner, wherein you have a lot of employees who are just low level or just temporary, that's a big expense item, Mr. Speaker."

Representative Yamane rose to speak in support of the measure, stating:

"Mr. Speaker, I'm standing in support. I know, my heart and prayers go out to Representative Herkes. He's not feeling well and is under the weather, so I will stand and defend the bill Mr. Speaker. I'm standing in support.

"Mr. Speaker, the intent of this bill was to try and address the growing problem of identity theft. Members, how big is this problem? On average, every 3 seconds somebody's identity gets stolen. The AARP reported about 400 thousand deceased individuals had bank accounts opened in their name. 400 thousand deceased people. So Mr. Speaker, the intent of this measure is to try to get a handle on making sure that information is handled in a private and confidential way to protect the consumer. All of us.

"We understand that there concerns and the impact on business. However, Mr. Speaker, just within the last 3 to 4 years, there are stories that made the papers about how university students, government employees, individuals from the Sony Corporation, IBM and others, had their data attacked, breached and confidential information, sent out.

"So Mr. Speaker, we ask the Members to consider this measure as it moves forward to further the discussion. And we think that further education and knowledge by various employees should be considered as we move forward, especially with this crisis of identity theft. Thank you, Mr. Speaker."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. Just in responding to the Chair of Health's comments. It doesn't apply to the University students where the University releases information, inadvertently. It doesn't apply to government. It goes after small businesses.

"Supposing you owned a yard service operation and you did commercial work, and you did residential work. And maybe you employed 50 employees that are spread out doing this yard service work. Every one of those employees would have to be trained under this bill. Does that make sense? It just doesn't. Thank you."

Representative Takai rose to speak in support of the measure, stating:

"Thank you Mr. Speaker. I rise in support of this bill. I've been focused on this particular topic for a few years now, because I was, as many of us here, were also victims of identity theft.

"As you know, the University of Hawaii, in the last few years, cites maybe five breaches of information. In fact they settled with the court recently and they have agreed to provide every single student, or former student, every victim of their breaches with identity theft protection for a few years.

"I do realize that his bill does not include State government, and I do hope that in the future we include State government. But I think this is truly a paradigm shift. And if people look at identity theft, like how we take a look at healthcare information, like how we take a look at EEO provisions, or sexual harassment provisions, that are required or mandated now in the workplace, you'll understand how important this training, and understanding of this type of breach and information protection is to not only the workplace, but to the entire community.

"So I would encourage our Members to take a little broader perspective of this particular measure, and I hope that in the future that we can include government as well. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2047, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PROTECTION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ching and Thielen voting no, and with Representative Herkes being excused.

THIRD READING

H.B. No. 2429, HD 1:

On motion by Representative Chong, seconded by Representative Evans and carried, H.B. No. 2429, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF AGRICULTURE," passed Third Reading by a vote of 50 ayes, with Representative Herkes being excused.

At 1:34 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 2429, HD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 38 through 50) and concurrent resolutions (H.C.R. Nos. 57 through 71) were referred to Printing and further action was deferred:

H.R. No. 38, entitled: "HOUSE RESOLUTION URGING THE UNITED NATIONS TO GRANT TAIWAN PARTICIPATION AS AN OBSERVER IN THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE CONFERENCE OF THE PARTIES MEETINGS," was jointly offered by Representatives Say, Awana, Brower, Chang, Ching, Har, Ito, Tokioka, Tsuji and Ward.

H.R. No. 39, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY TO ORDAIN AN ORDINANCE INCREASING PENALTIES FOR VEHICLE AND MOPED NOISE IN HOSPITAL ZONES," was jointly offered by Representatives Ching, Fontaine, Ward and Thielen.

H.R. No. 40, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF EDUCATION TO INCORPORATE AMERICAN SIGN LANGUAGE INTO THE PUBLIC SCHOOL CURRICULUM AND ENCOURAGING SIGN LANGUAGE INSTRUCTORS TO ASSIST STUDENTS WITH LEARNING CHALLENGES IN THE CLASSROOM," was jointly offered by Representatives Ching, Fontaine, Pine, Thielen and Ward.

H.R. No. 41, entitled: "HOUSE RESOLUTION IN SUPPORT OF DECLARING THE SERPENT'S HEAD COWRY SHELL AS THE HAWAII STATE SEA SHELL," was jointly offered by Representatives M. Lee, Aquino, Cullen, Ichiyama and Rhoads.

H.R. No. 42, entitled: "HOUSE RESOLUTION REQUESTING THE DISABILITY AND COMMUNICATION ACCESS BOARD, IN CONSULTATION WITH THE HAWAII STATE ENERGY OFFICE, TO REPORT TO THE LEGISLATURE ON THE INTERPLAY OF RESERVED PARKING STALL REQUIREMENTS FOR DISABLED PERSONS AND ELECTRIC VEHICLES," was jointly offered by Representatives M. Lee, Yamashita, Aquino, Cullen and Johanson.

H.R. No. 43, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT RESEARCH ON THE CORRELATION BETWEEN CHILDREN WHO ARE LATE-BORN AND THE HIGH SCHOOL DROP OUT RATE," was jointly offered by Representatives Takumi and Belatti.

H.R. No. 44, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM JULY 13, 2012, AS "COLLECTOR CAR APPRECIATION DAY"," was jointly offered by Representatives Awana, Brower, Chang, Har, Ito, M. Lee, Mizuno, Rhoads, Souki, Tokioka and Tsuji.

H.R. No. 45, entitled: "HOUSE RESOLUTION SUPPORTING THE CONCEPT OF INFRASTRUCTURE INVESTMENT FUNDS," was jointly offered by Representatives McKelvey, Aquino, Awana, Cullen, Har, Ichiyama, Ito, Jordan, Manahan, Oshiro, Say, Souki and Tokioka.

H.R. No. 46, entitled: "HOUSE RESOLUTION URGING THE ENFORCEMENT OF AND SUPPORT FOR THE INTENT OF THE FEDERAL STARK LAW," was offered by Representative Say, by request.

H.R. No. 47, entitled: "HOUSE RESOLUTION OPPOSING THE INDEFINITE DETENTION PROVISIONS OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012," was jointly offered by Representatives Rhoads, Keith-Agaran, C. Lee, Luke and Takumi.

H.R. No. 48, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY GUBERNATORIAL APPOINTMENTS TO BOARDS AND COMMISSIONS," was offered by Representative Wooley.

H.R. No. 49, entitled: "HOUSE RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES TO REPORT TO THE LEGISLATURE, NO LATER THAN DECEMBER 15, 2012, ON THE PROGRESS OF THE KOKE'E STATE PARK ADVISORY COUNCIL," was offered by Representative Morikawa.

H.R. No. 50, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION TO INCLUDE IN THE SOCIAL STUDIES CURRICULUM THE POLITICAL, ECONOMIC, AND SOCIAL CONTRIBUTIONS OF PERSONS WITH DISABILITIES AND LESBIAN, GAY, BISEXUAL, AND TRANSGENDER INDIVIDUALS," was offered by Representative Takumi, by request.

H.C.R. No. 57, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE RESTRUCTURING AND REORGANIZATION OF THE HAWAII STATE FOUNDATION ON CULTURE AND THE ARTS," was offered by Representative Wooley.

H.C.R. No. 58, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO DIRECT ELECTRIC UTILITIES TO EXAMINE SPECIFIC RENEWABLE ENERGY SCENARIOS IN THE INTEGRATED PLANNING PROCESS," was offered by Representative Coffman.

H.C.R. No. 59, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED NATIONS TO GRANT TAIWAN PARTICIPATION AS AN OBSERVER IN THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE CONFERENCE OF THE PARTIES MEETINGS," was jointly offered by Representatives Say, Awana, Brower, Chang, Ching, Har, Ito, Tokioka, Tsuji and Ward.

H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE ISSUES AND POSSIBLE COURSES OF ACTION REGARDING HOW TO FAIRLY AND EQUITABLY INCLUDE MILITARY PERSONNEL AND DEPENDENTS IN REAPPORTIONMENT CALCULATIONS," was jointly offered by Representatives Say, Aquino, and Keith-Agaran.

H.C.R. No. 61, entitled: "HOUSE CONCURRENT RESOLUTION IN SUPPORT OF DECLARING THE SERPENT'S HEAD COWRY SHELL AS THE HAWAII STATE SEA SHELL," was jointly offered by Representatives M. Lee, Aquino, Cullen, Ichiyama and Rhoads.

H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT RESEARCH ON THE CORRELATION BETWEEN CHILDREN WHO ARE LATE-BORN AND THE HIGH SCHOOL DROP OUT RATE," was jointly offered by Representatives Takumi and Belatti.

H.C.R. No. 63, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM JULY 13, 2012, AS "COLLECTOR CAR APPRECIATION DAY"," was jointly offered by Representatives Awana, Brower, Chang, Har, Ito, M. Lee, Mizuno, Rhoads, Souki, Tokioka and Tsuji.

H.C.R. No. 64, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE CONCEPT OF INFRASTRUCTURE INVESTMENT FUNDS," was jointly offered by Representatives McKelvey, Aquino, Awana, Cullen, Har, Ichiyama, Ito, Jordan, Manahan, Oshiro, Say, Souki and Tokioka.

H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ENFORCEMENT OF AND SUPPORT FOR THE INTENT OF THE FEDERAL STARK LAW," was offered by Representative Say, by request.

H.C.R. No. 66, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING COLLABORATION AMONG VARIOUS STATE AGENCIES TO IDENTIFY AND REMOVE BARRIERS RELATING TO WORKFORCE DATA SHARING AND NURSING PRACTICE IN THE STATE," was jointly offered by Representatives M. Lee, Cullen, Har, Hashem, Ichiyama, and C. Lee.

H.C.R. No. 67, entitled: "HOUSE CONCURRENT RESOLUTION OPPOSING THE INDEFINITE DETENTION PROVISIONS OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012," was jointly offered by Representatives Rhoads, Keith-Agaran, C. Lee, Luke and Takumi.

H.C.R. No. 68, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP TO DETERMINE STATE COMPLIANCE WITH THE FEDERAL PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008 AND ENHANCE EXISTING STATE PARITY LAWS," was offered by Representative Yamane.

H.C.R. No. 69, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY GUBERNATORIAL APPOINTMENTS TO BOARDS AND COMMISSIONS," was offered by Representative Wooley.

H.C.R. No. 70, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES TO REPORT TO THE LEGISLATURE, NO LATER THAN DECEMBER 15, 2012, ON THE PROGRESS OF THE KOKE'E STATE PARK ADVISORY COUNCIL," was offered by Representative Morikawa.

H.C.R. No. 71, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION TO INCLUDE IN THE SOCIAL STUDIES CURRICULUM THE POLITICAL, ECONOMIC, AND SOCIAL CONTRIBUTIONS OF PERSONS WITH DISABILITIES AND LESBIAN, GAY, BISEXUAL, AND TRANSGENDER INDIVIDUALS," was offered by Representative Takumi, by request.

ANNOUNCEMENTS

Representative M. Lee for the Committee on Finance, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measures today at 2:30 p.m. in Conference Room 308, with decision making to follow, and the Chair "so ordered."

HB No. 2493 HD 1, Relating to Collective Bargaining Cost Item;
HB No. 2494 HD 1, Relating to Collective Bargaining Cost Items;
HB No. 2495 HD1, Relating to Collective Bargaining Cost Items;
HB No. 2257 HD1, Relating to Professional and Vocational Licensing;
HB No. 2871 HD1 Relating to the West Maui Ocean Recreation Management Area; and
HB No. 2881, HD 1, Relating to Green Waste.

Decision making only the following measure previously heard on Monday February 27th:

HB No. 1758, HD 1.

Representative Ching: "Thank you, Mr. Speaker. I wanted to announce that today, March 1st, kicks off National Kidney Month. Chronic kidney disease develops when the kidneys lose their ability to remove their waste and maintain the fluid chemical balance in the body. More than 31 million adults in the US have it. Most are not aware of it, as there are no symptoms until the kidney disease reaches later stage.

"At HMC East and West had a lot, particularly at Liliha, we had a lot of people on dialysis. Anyone 18 and older can have diabetes and high blood pressure, but it can be prevented. It can be delayed through early detection and proper treatment. So March is kidney month, I would ask that everybody to be aware of that. I think that they're coming down to the Capitol

Representative Ching: "And one more announcement, which is probably a little more uplifting. Over the weekend while we were in recess, I was so proud to realize that our own homegrown Kauai Hart Hemmings, the step-daughter of Senator Fred Hemmings who served in the Senate for many years, her film, *The Descendants* won the Oscar for best adapted screenplay, which is really nice, since she's after all, the author.

"She was here today at the Legislature, being honored by the Senate, by Senator Brickwood Galuteria, with her mother, Suzy Hemmings, a daughter of Hawaii. And of course, her step-dad, Senator Fred Hemmings. I think that it's a wonderful film, not just because of the economics it brings to our State, but if you haven't seen it already, I won't try to give away from the plot, but what I got out of the film is the essence of heritage, reminding us how special this place is, our paradise, and how fragile this place is, our paradise, and how in need of care and the stewardship is this place we call paradise, we call home. So if you haven't seen it, it's still playing in Kahala. But I think that that lots to be proud of, lots to be proud of. Thank you."

Representative C. Lee: "Thank you. Just very briefly. I just wanted to remind everybody, that this afternoon at 2:00 and at 3:30, the American Heart and Stroke Association in collaboration will be offering CPR training in the Auditorium. Again, that's at 2:00 and 3:30."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R. Nos.</u>	<u>Referred to:</u>
38	Jointly to the Committee on International Affairs and the Committee on Energy & Environmental Protection
39	Committee on Transportation, then to the Committee on Health
40	Committee on Education, then to the Committee on Finance
41	Committee on Water, Land, & Ocean Resources
42	Committee on Health, then to the Committee on Energy & Environmental Protection
43	Committee on Education, then to the Committee on Finance
44	Committee on Transportation
45	Committee on Economic Revitalization & Business, then to the Committee on Labor & Public Employment, then to the Committee on Finance
46	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
47	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary

<u>H.C.R. Nos.</u>	<u>Referred to:</u>
57	Committee on Culture & the Arts, then to the Committee on Legislative Management, then to the Committee on Finance
58	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
59	Jointly to the Committee on International Affairs and the Committee on Energy & Environmental Protection
60	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Judiciary, then to the Committee on Legislative Management
61	Committee on Water, Land, & Ocean Resources

- 62 Committee on Education, then to the Committee on Finance
- 63 Committee on Transportation
- 64 Committee on Economic Revitalization & Business, then to the Committee on Labor & Public Employment, then to the Committee on Finance
- 65 Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
- 66 Jointly to the Committee on Health and the Committee on Higher Education, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
- 67 Committee on Public Safety & Military Affairs, then to the Committee on Judiciary

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

H.B.
No.

Re-referred to:

1984 Committee on Hawaiian Affairs

ADJOURNMENT

At 1:39 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, March 02, 2012. (Representatives Chang and Herkes were excused.)